
MINUTE 9 OF THE PANEL CONVENER
Post-conference decisions on panel appointment and decision timeframe
Waihi North [FTAA-2504-1046]
4 July 2025

[1] I have held two convener conferences in respect of this application. The first conference was held on 11 June 2025 and was attended by the Applicant, the local authorities (Waikato Regional Council (WRC), Thames-Coromandel District Council (TCDC) and Hauraki District Council (HDC)), the Department of Conservation (DoC) on behalf of the Director-General, the Ministry of Business, Innovation, and Employment (MBIE), the Ministry for the Environment (MfE) and Heritage New Zealand Pouhere Taonga (HNZPT).

[2] Invitations to the first conference were sent to all of the iwi authorities and Treaty settlement entities identified in the section 18 report prepared by MfE, but none attended. Following the first conference I was advised that some section 18 invitees did not receive the invitation due to issues with contact details. For that reason, I held a second conference on 18 June 2025 with invitations limited to the iwi authorities and Treaty settlement entities identified in the section 18 report. This was to ensure that all section 18 participants who wished to express their views on panel composition and decision time frame, and to raise any tikanga matters with me, had an opportunity to do so.

[3] The second conference was attended by:

- a) Ngāti Tara Tokanui Trust;
- b) Te Rūnunga o Ngāti Pu;
- c) Hako Tūpuna Trust.

[4] Following the two conferences, the purpose of this minute is to confirm the Waihi North Expert Panel (Expert Panel) appointments and the timeframe I have determined is required for the Expert Panel to deliver its decision on the application.

[5] I note that, in advance of the first conference, the Applicant made a separate request to protect certain "sensitive information" from disclosure under clause 11, Schedule 3 of the FTAA. Following the first conference, the Applicant advised the EPA that it wished to withdraw that application.

[6] In advance of both conferences, I received written memoranda from the following conference participants:

- a) the Applicant, OceanaGold;
- b) the relevant local authorities (a joint memorandum from WRC, TCDC and HDC),
- c) DoC/Director-General of Conservation;
- d) MBIE;
- e) Ngāti Tara Tokanui Trust;
- f) Ngāti Tamaterā Treaty Settlement Trust (who were unable to attend the second conference).

[7] All first conference participants expressed the view (or otherwise accepted) that the default timeframe would be insufficient to determine this application, having regard in particular to the range and volume of approvals sought. The local authorities noted the logistical complexity of compiling multiple sets of conditions and ensuring their consistency, both across approvals and in relation to existing approval conditions. The DoC attendees also noted that the substantive expansion of mining activity involved a novel approach within the Coromandel Forest Park that gives rise to some uncertainty as to effects.

[8] The Applicant reiterated its view that an additional 60-75 working days should be added to the default decision timeframe, following the receipt of invited comments, which would give a decision date of 27 November 2025. Other participants considered that this would be appropriate, while DoC expressed the view that further time, beyond 75 additional days, might be required having regard to the work required to review and provide comment on conditions prior to decision release, assuming a decision to approve.

[9] I note that the Applicant also expressed concerns at the potential consequences for implementation of the project if the decision date were to be delayed beyond 27 November 2025.

[10] In relation to panel composition and expertise, I advised participants that I would appoint a five-person panel having expertise in law, ecology, geotechnical engineering and te ao Māori and Māori development, noting that the local authorities had yet to confirm their nominee. In their various memoranda, participants were broadly aligned on the expertise and experience that they considered would be beneficial, and those indications were consistent with my own.

[11] The attendees at the second conference were principally focused on the

composition of the Expert Panel but also commented that the timeframe should be substantially longer than the default provided in the Act, without requesting a specific timeframe. They expressed concern that, with the Applicant electing to use the FTAA process and withdraw the previous consent application, many of the issues they had raised during engagement on that application remained unanswered. They acknowledged that their engagement on the prior application gave them some familiarity with the project and its effects. However, they also noted their limited ability to participate in a further, time-constrained approval process.

[12] In relation to panel composition, the second conference attendees requested the appointment of two tikanga Māori experts and/or Hauraki mātauranga experts to the Expert Panel, noting the importance of having a cultural lens over the application, understanding local iwi complexities and giving effect to various settlement arrangements (both legislated and unlegislated).

[13] I record my thanks to all conference participants for their attendance and the respectful candour with which they expressed and discussed their views on the two key issues.

Decision - panel

[14] I am appointing the following persons to the Waihi North Expert Panel to determine the substantive application lodged for the Waihi North Mine Expansion:

- a) Hon Sir William Young KNZM KC (chair);
- b) Rob van Voorthuysen (local authority nominee);
- c) Dr Greg Burrell (freshwater ecologist);

- d) Cathy Katene (Ngāti Hako, Ngāti Maru ki Hauraki); and
- e) Cameron Lines (geotechnical engineer).

[15] I am satisfied that, collectively, the Waihi North Expert Panel will hold appropriate expertise and experience in relation to law, planning & policy, te ao Māori and Māori development, Hauraki-specific mātauranga and tikanga, freshwater ecology, geotechnical engineering and mining.

[16] There are a range of other specialist technical disciplines that the Waihi North Expert Panel may wish to engage to assist them in their task and they will no doubt turn their minds to those matters once their work commences.

[17] The date on which the Waihi North Expert Panel will commence work is **14 July 2025**.

[18] I reiterate my recommendation at the first conference that the Applicant continue working with the local authorities, relevant agencies, iwi authorities and Treaty settlement entities on resolving issues and conditions, and to make arrangements for what I have been told is likely to be a two-day site visit, as well as a panel briefing session, ideally both to be undertaken prior to the invitation to comment being issued (which will be due on 28 July).

Decision - timeframe

[19] I agree with the Applicant and other participants that the default statutory period under section 79(1)(b) is not appropriate having regard to the scale, nature and complexity of the matters raised in this application.

[20] I am therefore fixing the total number of working days at 112, which comprises an additional 82 working days following the receipt of invited comments. The Expert Panel decision will be due on 18 December 2025, subject

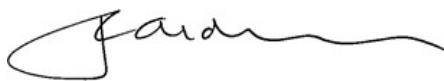
to the application being suspended for any of the reasons outlined in section 60 of the Act, and to comments on the application being invited on 28 July 2025.

[21] In setting an alternative timeframe I have had regard to the following relevant matters:

- a) The volume of application material, and technical reports in particular, is significant. Each set of approvals will require careful consideration and application of the decision-making requirements and weighting identified for each type of approvals. In respect of some approvals, the Waihi North decision will be the first under the FTAA;
- b) The Expert Panel has the power to request further information and reports under section 67 of the Act and the power to appoint special and/or technical advisers under clause 10, Schedule 3. Given the breadth of technical reports provided with the application, and the volume of material it will have to deal with, it is likely that the Expert Panel will consider engaging specialists in conditions and decision writing as well as technical experts to assist it to resolve issues;
- c) While there has been a good level of engagement between the Applicant and the local authorities over an extended period (having regard to previous applications advanced for the project), there is still significant work to be done in resolving issues and agreeing appropriate conditions for all the approvals sought. As noted at the conference, the conditions workstream should be given a high priority and the Applicant is encouraged to map out an efficient process for that workstream to offer to the Expert Panel as soon as it commences work;
- d) Additional work is required to consolidate the conditions and to ensure their consistency with those attached to existing approvals;

- e) A number of iwi authorities and Treaty settlement entities, and the iwi/hapu they represent, have previously engaged with the Applicant in respect of the project in the context of a prior consent process. Those issues have yet to be resolved and will require ongoing engagement, particularly if the Applicant is proposing specific conditions to address the cultural impacts identified;
- f) Relevant administering agencies, and DoC in particular, will be preparing substantial reports that are likely to raise a range of issues with respect to various approvals, as well as condition matters in the event that they recommend approval. Those will take time to resolve and may necessitate expert conferencing or issue-specific workshops or hearing sessions. I have allowed time for these to occur if the Expert Panel determines that they are necessary; and
- g) Given the scope and nature of the approvals sought, the extension of mining activity into the Coromandel Forest Park and the nature of some effects, there are likely to be a substantial number of invitations to comment issued by the Expert Panel. While the time period for comments to be provided cannot be amended from the 20 working days set out in section 54, the potential volume of responses may increase the time needed to resolve issues and prepare the decision.

[22] In terms of next steps, the participants will be contacted by the Waihi North Expert Panel upon commencement.



Jennifer Caldwell

Associate Panel Convener for the purpose of the Fast-track Approvals Act 2024